

STATEMENT OF PURPOSE

RS20882

The purpose of the amendment is to clarify that the Board of Correction's duty to supervise adult probation extends only to felony probation.

Article X, Section 5 of the Idaho Constitution currently provides that the Board of Correction's authority extends to "the control, direction and management of the penitentiaries of the state, their employees and properties, and of adult probation and parole..." It does not limit the scope of the Board's authority to felony probation only. In its current form, Article X, Section 5 was adopted in 1942. Later, however, the Idaho Legislature enacted statutes granting counties the authority to supervise misdemeanor probationers. Idaho Code § 31-3201D, enacted in 1998, provides that counties may charge misdemeanor probationers a supervision fee. Idaho Code § 31-878, enacted in 2008, provides that county commissioners shall provide misdemeanor probation services where ordered by a sentencing court.

The proposed amendment would insert the word "felony" before the word "probation" in Article X, Section 5 to clarify that the Board of Correction's authority extends only to adult felony probation. Article XVIII, Section 11 provides that county officers shall "perform such duties as shall be prescribed by law," so the amendment would not invalidate statutes authorizing county supervision of misdemeanor probation.

FISCAL NOTE

No fiscal impact.

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